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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/149,216	09/08/1998	YU MINAKUCHI	21.1757-C-DI	4647

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EXAMINER

FATAHI YAR, MAHMOUD

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/149,216	Applicant(s) MINAKUCHI ET AL.	
	Examiner Mike Fatahiyar	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-48, 55-60, 71-76, 83-91, 101 and 102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-26, 29-31, 34-48, 55-56, 71-73, 83-91 and 101-102 is/are allowed.
- 6) ☒ Claim(s) 27, 28, 32, 33, 57 and 74-76 is/are rejected.
- 7) ☒ Claim(s) 58-60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 27-28, 32-33 and 74-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 27, line 12, there is no clear antecedent basis for "the detected characteristics".

In claim 32, line 7, there is no clear antecedent basis for "the object information".

In claims 74, 7 and 76, lines 6, 7 and 6 respectively, there is no clear antecedent basis for "the two touches". Corrections and/or clarification is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levine et al(5,060,135) in view of Ohuchi(4,903,012).

Levine et al discloses a simulating manipulation of an object utilizing a display image comprising: sensing touching contact relative to the displayed image of the object, the touching contact simulating a manipulation of the object, and outputting touch information corresponding to the sensed touching contact (col.4, lines 30-40); detecting from the output touch information characteristics of said touching contact including the selecting location on the object image of the touching contact and changed of the touching contact and recognizing therefrom the corresponding object manipulation simulation (col.5, lines 61 - col.6, lines 5); changing the display of the object image in accordance with the recognized, simulated manipulation of the object (col.3, lines 32-41),

storage memory (col.26, lines 11-16), Levine et al also disclose that the object image is in a state of distortion/or restoration (col.3, lines 32-41, as recited in claims 23,24,39 and 42).

Levine et al states a physical memory (col.26, lines 11-16) but did not explicitly disclose a storage medium storing a process. The patent of Ohuchi clearly teaches that a storage medium storing a process displaying an image of the object by detecting a position of touching contact reactive to the object image (col.2, lines 32-34, lines 60-col.2, lines 20). Ohuchi did not explicitly teach storing the object's central gravity. However, one skill in the art would have recognized that the storage device of Ohuchi must store the image object including the central gravity of the object.

Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to have used the storage medium of Ohuchi into the device of Levine et al, because this will allow the Levine's system to store the detected position of the image and to indicate the movement of the object.

4. Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 57 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 4/4/02. In that paper, applicant has stated that "Levine et al does not interpret **the nature of touching contact** and the applied references fail to teach **touching contact which simulates manipulation of the object**"(see page 7 of the remarks), and this statement indicates that the invention is different from what is defined in the claim(s) because claim 57 as it stands does not require any touching contact which is very similar to the prior art utilization of a mouse/keyboard to select an icon for input command and manipulation.

5. Applicant's arguments with respect to claims 27-28, 32-33, 57 and 74-76 have been considered but are moot in view of the new ground(s) of rejection.

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6. Claims 11-26, 29-31, 34-48, 55-56, 71-73, 83-91 and 101-12 are allowed.
7. Claims 58-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Fatahiyar whose telephone number is (571)272-7688. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Fatahiyar *MF*

March 31, 2007


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600